

KEVIN V. RYAN (CSBN 118321)  
 United States Attorney

MARK L. KROTOSKI (CSBN 138549)  
 Chief, Criminal Division

TIMOTHY J. LUCEY (CSBN 172332)  
 Assistant United States Attorney

450 Golden Gate Avenue  
 San Francisco, CA, 94102  
 Telephone: 415-436-7152  
 Facsimile: 415-436-7234  
 E-mail: Timothy.Lucey@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
 Plaintiff,  
 v.  
 JAVIER TAMAYO, *et al.*  
 Defendants.

No. CR 06 - 0647 CRB

UNITED STATES OF AMERICA,  
 Plaintiff,  
 v.  
 JOSE CAMPOS,  
 Defendant.

No. CR 06 - 0648 CRB

STIPULATION AND ~~[PROPOSED]~~  
 ORDER

STIPULATION AND [PROPOSED] ORDER  
*United States v. Tamayo, et al.; United States v. Campos,*  
 [CR 06 - 0647 CRB; CR 06 - 0648 CRB]

1 WHEREAS, the parties are scheduled to appear before this Court for a status hearing and  
2 possible trial setting in the above-entitled matters, which have been previously related together  
3 by this Court, on Wednesday, January 9, 2007, at 2:15 p.m.;

4 WHEREAS, the defendants have requested a number of discovery items from the  
5 government, some of which involve the identity of confidential sources on pending criminal  
6 investigation(s);

7 WHEREAS, the government has now advised counsel for the defense that such pending  
8 criminal investigation may have action taken upon them within the next 30 days or less, such  
9 that the government may then be in a position to disclose some or all of the identities of such  
10 confidential sources requested by the defense without the need for motion practice on the issue  
11 of the identities of such confidential sources;

12 WHEREAS, in light of this development, the parties are in agreement that a short  
13 continuance of this matter is in the best interest of the defendants and the Court in seeking an  
14 efficient use of the Court's resources, by reducing or even eliminating entirely the need for  
15 motions and/or a hearing on the issue of confidential sources and further the goals of having  
16 parties meeting-and-conferring on discovery issues without the need for judicial intervention;

17 WHEREAS, Assistant Federal Public Defender Elizabeth Falk, counsel for defendant  
18 Jose Campos, is beginning trial in another matter that is expected to continue for several weeks,  
19 until approximately early February 2007, such that she will be available to consult with her  
20 client and work on this matter until such trial is completed, which is expected for early next  
21 month;

22 WHEREAS, the parties, including each of the defendants, are in agreement that time on  
23 the Speedy Trial Clock should be excluded based on effective preparation of counsel and in the  
24 best interests of justice until the next call of the case, in approximately 30 days;

25 THEREFORE, the parties jointly request and hereby stipulate that the matter be  
26 continued until Wednesday, February 14, 2007, at 2:15 p.m., before this Court and that time be  
27 excluded under the Speedy Trial Clock based on the need for effective preparation of counsel as  
28 well as continuity of counsel and that the ends of justice served by the granting of such

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1 continuance outweigh the best of the public and the defendant in a speedy trial, pursuant to 18  
2 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

3  
4 **IT IS SO STIPULATED.**

5  
6 **BARRY J. PORTMAN**  
Federal Public Defender

**KEVIN V. RYAN**  
United States Attorney

7  
8 Elizabeth Falk  
9 **ELIZABETH FALK**  
for Defendant Jose Campos

**TIMOTHY LUCEY**  
Assistant United States Attorney

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13 **TAMOR & TAMOR**

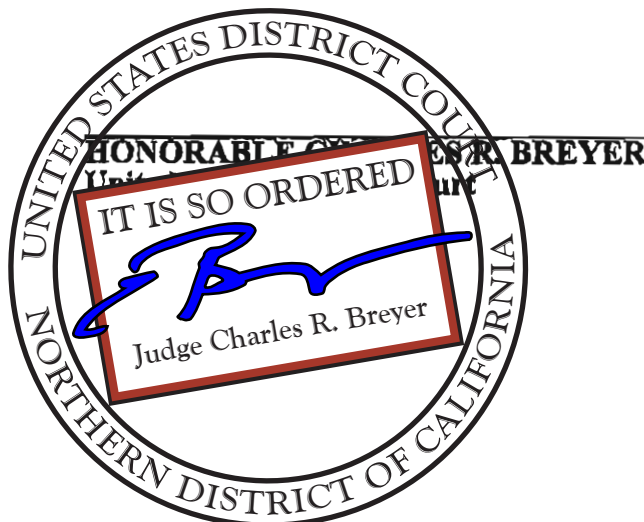
**O'MELVENY & MYERS LLP**

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16 **RICHARD TAMOR**  
for Defendant Javier Tamayo

**COLLEEN KENNEDY**  
for Defendant Julio Palominos

17  
18  
19 **IT IS SO ORDERED.**

20  
21  
22 **Dated:** January 12, 2007



**STIPULATION AND [PROPOSED] ORDER**  
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[CR 06 - 0647 CRB; CR 06 - 0648 CRB]